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10-13-00
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new non-provisional applications under 37 CFR 1.53(b))

JC929 U.S. PRO
09/689514
10/12/00

| | | | |
|--|--|---|--|
| Attorney Docket No. | | NDG1140 | |
| First Inventor or Application Identifier: | | CRAIG ANTHONY FARRELL | |
| Title: | | APPARATUS AND METHOD FOR AUTOMATED DISCOVERY AND MONITORING OF RELATIONSHIPS BETWEEN NETWORK ELEMENTS | |
| Express Mail Label No.: | | EL185717300US | |
| Application Elements <small>(See MPEP chapter 600 concerning utility patent application contents)</small> | | ADDRESS TO: Assistant Commissioner For Patents BOX PATENT APPLICATION Washington, D.C. 20231 | |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form <small>(Submit an original, and a duplicate for fee processing)</small> 2. <input checked="" type="checkbox"/> Specification [Total Pages <u>15</u>] <small>(preferred arrangement set forth below)</small> <ul style="list-style-type: none"> • Descriptive title of the Invention • Cross References to Related Applications • Statement Regarding Fed sponsored R&D • Background of the Invention • Brief Summary of the Invention • Brief Description of the Drawings (if filed) • Detailed Description • Claim(s) • Abstract of the Disclosure 3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total sheets <u>3</u>] 4. <input checked="" type="checkbox"/> Oath or Declaration [Total Pages <u>3</u>] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from prior application (37 CFR 1.63(d)) <small>(for continuation/divisional with Box 17 completed)</small> <small>[Note Box 5 below]</small> i. <input type="checkbox"/> Deletion of Inventor(s) Signed statement attached in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 5. <input type="checkbox"/> Incorporation by Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein. | | | |
| 6. <input type="checkbox"/> Microfiche Computer Program (Appendix) 7. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <small>(if applicable, all necessary)</small> <ul style="list-style-type: none"> a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement Verifying identity | | | |
| ACCOMPANYING APPLICATION PARTS <ul style="list-style-type: none"> 8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <small>(when there is an assignee)</small> 10. <input type="checkbox"/> English Translation Document (if applicable) 11. <input type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS Statement (Form 1449) Citations 12. <input type="checkbox"/> Preliminary Amendment 13. <input checked="" type="checkbox"/> Return Receipt Postcard (CPEP 503) <small>(Should be specifically itemized)</small> 14. <input checked="" type="checkbox"/> Small Entity <input type="checkbox"/> Statement filed in prior application, Statement Status is still proper and desired 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small> 16. <input checked="" type="checkbox"/> OTHER: Express Mail Certification Check # <u> </u> (\$ <u>449.00</u>) | | | |
| 17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information: <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-In-Part of prior application no.: <u> </u> Prior application information: Examiner: <u> </u> Group/Art Unit: <u> </u> | | | |
| 18. CORRESPONDENCE ADDRESS | | | |
| <input type="checkbox"/> Customer Number (25548) Or Bar Code Label OR <input type="checkbox"/> Correspondence Address Below | | | |
| NAME | | ATTN: Terrance A. Meador GRAY CARY WARE & FREIDENRICH | |
| ADDRESS | | 401 B Street, Suite 1700 San Diego, California 92101 USA | |
| Telephone: 619/699-2652 | | General Fax No.: 619-236-1048 | |
| Patent Group Fax No.: 619/699-3452 | | | |
| Name (print/type) | | Terrance A. Meador | |
| Signature | | Registration No.: 30,298 (Attorney/Agent) Date <u>12</u> October 2000 | |

The USPTO date stamp hereon will acknowledge receipt of:

UTILITY PATENT APPLICATION TRANSMITTAL; FEE
TRANSMITTAL (in duplicate); PATENT APPLICATION (15 PGS); 3
SHEETS OF DRAWINGS; SMALL ENTITY STATEMENT;
DECLARATION; \$449.00 FILING FEE CHECK

MAILED 17 OCTOBER 2000 VIA EXPRESS MAIL LABEL NO. EL185717300US

APPLICANTS: CRAIG ANTHONY FARRELL ET AL.

FOR: APPARATUS AND METHOD FOR AUTOMATED
DISCOVERY AND MONITORING OF RELATIONSHIPS
BETWEEN NETWORK ELEMENTS

TAM/spc/meg

File No.: 1061140 103510-165628

EL185717300US

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FEE TRANSMITTAL

| | |
|-----------------------|-----------------------|
| Attorney Docket No. | NDG1140 |
| First Named Inventor: | CRAIG ANTHONY FARRELL |
| Application Number | Unknown |
| Filing Date: | Herewith |
| Examiner Name: | Unknown |
| Group/Art Unit: | Unknown |

| | |
|--------------------------------------|--|
| TOTAL AMOUNT OF PAYMENT: | \$ 449.00 |
| METHOD OF PAYMENT (check One) | <p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and/or credit any over payment to:</p> <p>Deposit Account No.: 07-1895 Deposit Account Name: GRAY CARY WARE & FREIDENRICH</p> <p>1. <input checked="" type="checkbox"/> Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p> |

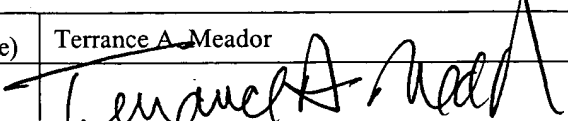
2. UTILITY Basic Filing Fee & Claims

| (1) For | (2) No. filed | (3) No. extra | (4) Large Entity | (5) Small Entity | (6) Calculations |
|---|---------------|---------------|------------------|------------------|------------------|
| Basic Filing Fee | XX | XX | \$ 710.00 | \$355.00 | \$ 355.00 |
| Total Claims | 26 - 20 = | 6 | X \$ 18.00 | X \$ 9.00 | \$ 54.00 |
| Independent Claims | 4 - 3 = | 1 | X \$ 80.00 | X \$ 40.00 | \$ 40.00 |
| Multiple Dependent Claim(s) (if applicable) | | | \$ 270.00 | \$135.00 | \$ 000.00 |
| Total of above Calculations = | | | | | \$ 449.00 |

| Basic Filing Fee | Large Entity | Small Entity | Total |
|--------------------------------------|--------------|--------------|-----------|
| Design filing fee | \$ 320.00 | \$ 160.00 | \$ 000.00 |
| Reissue filing fee | \$ 710.00 | \$ 355.00 | \$ 0.00 |
| Provisional filing fee | \$ 150.00 | \$ 75.00 | \$ 0.00 |
| Total of above Calculations = | | | \$ |

3. ADDITIONAL FEES

| Fee Description | Large Entity | Small Entity | Other |
|-----------------|--------------|--------------|-----------|
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| TOTAL: | | | \$ |

| | | | |
|-------------------|---|---------------------------------------|-----------------|
| Name (print/type) | Terrance A Meador | Registration No.: (Attorney/Agent) | 30,298 |
| Signature |  | Date | 12 October 2000 |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Docket Number (Optional)
NDG1140

Applicant or Patentee: CRAIG ANTHONY FARRELL, et al.
Application or Patent No.: (unknown)
Filed or Issued: (herewith)

Title: APPARATUS AND METHOD FOR AUTOMATED DISCOVERY AND MONITORING OF RELATIONSHIPS BETWEEN NETWORK ELEMENTS

I hereby declare that I am
 the owner of the small business concern identified below:
 x an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN NETWORK HARMONI, INC.

ADDRESS OF SMALL BUSINESS CONCERN 12680 High Bluff Drive, Suite 200, San Diego, California 92130

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that the rights under the contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

 x the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statement averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

 x No such person, concern or organization exists.
 Each such person, concern or organization is listed below:

FULL NAME: _____

ADDRESS: _____
[] INDIVIDUAL [] SMALL BUS. CONCERN [] NONPROFIT ORGANIZATION

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING JERRY GRAHAM
TITLE OF PERSON IF OTHER THAN OWNER Chief Executive Officer
ADDRESS OF PERSON SIGNING 12680 High Bluff Drive, Suite 200, San Diego, California 92130
SIGNATURE *Jerry Graham* DATE 10/11/00

jc929 U.S. PRO
09/689514
10/12/00